

Notice of Allowability

Application No.

10/605,513

Examiner

Ari M. Diacou

Applicant(s)

OU ET AL.

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed 6-30-2006.
2. ☒ The allowed claim(s) is/are 1-4, 7-9, 19, 20 and 22-38.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Winston Hsue on 8-2-2006.

Page of Remarks	Line	Regarding Claim	Change
8	7	1	conductivity-type
8	7-8	1	conductivity-type
8	10	1	conductivity-type
8	12	1	conductivity-type
8	13	1	conductivity-type
8	16	1	conductivity-type
9	20	8	conductivity-type cladding
9	20	8	first conductivity-type
9	22	8	conductivity-type
9	25	9	conductivity-type
9	25-26	9	conductivity-type
9	27	9	conductivity-type
11	8	25	conductivity-type
11	9	25	conductivity-type
11	10	25	conductivity-type
11	13	26	conductivity-type
11	14	26	conductivity-type
11	15-16	26	conductivity-type
12	24	34	conductivity-type
12	25	34	conductivity-type
12	26	34	conductivity-type
12	29	35	conductivity-type
12	30	35	conductivity-type
13	1	35	type cladding

Allowable Subject Matter

2. Claims 1-4,7-9,19,20 and 22-38 are allowed.

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3. Regarding claim 1, the prior art does not teach or make obvious the use of
 - A nitride based dual dopant contact layer formed over the second conductivity type contact layer, the nitride based dual dopant contact layer comprising at least a p-type impurity and an n-type impurity wherein a concentration of the n-type impurity being higher than a concentration of the p-type impurity within the context of claim 1 taken as a whole.
4. Regarding claim 20, the prior art does not teach or make obvious the use of
 - A nitride based dual dopant contact layer formed over the light emitting stacked structure, the nitride based dual dopant contact layer comprising a p-type impurity and an n-type impurity wherein the dual dopant contact layer is essentially not p-type within the context of claim 20 taken as a whole.
5. Regarding claim 30, the prior art does not teach or make obvious the use of
 - A nitride based dual dopant contact layer formed over the light emitting stacked structure, the nitride based dual dopant contact layer comprising a p-type impurity and an n-type impurity wherein the dual dopant contact layer is essentially not a highly conductive layer within the context of claim 30 taken as a whole.

Conclusion

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6. The prior art which is cited but not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ari M. Diacou whose telephone number is (571) 272-5591. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on (571) 272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMD 8/2/2006


JACK KEITH
SUPERVISORY PATENT EXAMINER